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CASE NO._____

THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1984

ROBERT PALMER and FRANCES PALMER

PETITIONERS,

vs.

ILBERT TUCKER and MARGARET TUCKER

RESPONDENTS,

AND OTHER PARTY RESPONDENTS

NAMED HEREIN

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITION FOR CERTIORARI WITH MANDAMUS ACTIONS

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IN PRO PER

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6 pp

QUESTIONS PRESENTED

1. Are statutes that vest power of appointment in bankruptcy judge to appoint trustee, appraiser and trustee's attorney unconstitutional and in conflict with due process clause of the Fifth Amendment?

2. Should mandamus issue against bankruptcy judge, and is judge civilly liable?

3. Was bankruptcy court denied jurisdiction, pursuant to Constitution, Article III, §2, because bankruptcy was a fraud?

4. Should orders imposing punitive attorney's fees and costs be vacated?

5. Should this Court take judicial notice of adjudicative facts, requested but ignored by courts below?

6. Should mandamus issue against district judge who denied impartial review?

7. Should mandamus issue against Panel of Court of Appeals for abnegation of judicial duties, with civil liability?

8. Should mandamus issue against Chief

District Judge and Chief Circuit Judge to conform their conduct to Code of Judicial Conduct and federal law?

9. Should order denying motion on pleadings be reversed, or alternately should orders confirming compromise between trustee and bankrupt's tenant, and pre-arranged judicial sale be vacated with imposition of constructive trusts on wrongful holders of property? [Fairly included]

10. Should judgment after remand that is clearly erroneous, and lacks substantial evidence, be vacated? [Fairly included]

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PARTIES

ILBERT TUCKER AND MARGARET TUCKER, AND
PHILIP BOEBEL AND RIEN BOEBEL, RESPONDENTS,
RALPH DUVALL AND MARGARET DUVALL, AND
MR.& MRS. GEORGE ROBINETTE,III, INTEREST-
ED PARTIES ON NOTICE,
HONORABLE SEYMOUR J. ABRAHAMS, RESPONDENT,
HONORABLE MARILYN HALL PATEL, RESPONDENT,
HONORABLE ROBERT PECKHAM, RESPONDENT
HONORABLE JAMES R. BROWNING, RESPONDENT,
HONORABLE JEROME FARRIS, RESPONDENT,
HONORABLE ARTHUR L. ALARCON, RESPONDENT,
HONORABLE WILLIAM A. NORRIS, RESPONDENT.

AUTHORITIES

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EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

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OPINIONS BELOW

Appended hereto are: Ninth Circuit Court of Appeals, orders, February 11, 1985, denying petition for rehearing and rejecting suggestion for rehearing en banc; Memorandum Decisions, November 5, 1984, ratifying orders of district. Northern District of California Court's order, April 20, 1984, expunging lis pendens absent jurisdiction; order, October 5, 1983, confirming void orders of bankruptcy court; Bankruptcy Court's judgment after remand, and opinion on remand, December 22, 1982; order denying motion on pleadings, November 29, 1982; order, absent judgment on document, November 6, 1978; order confirming trustee-Boebel compromise, November 23, 1977; and Judicial Council, Ninth Circuit, order, June 21, 1984, dismissing complaint of judicial misconduct.

JURISDICTION

Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1254(1). Petitioners pray that writ of certiorari will issue from Memorandum Decisions of the Court of Appeals for the Ninth Circuit, first entered on November 5, 1984. Rehearing was denied by orders of February 11, 1985, with rejection of suggestion for rehearing en banc. Based on same litigation, petitioners concurrently pray that mandamus will issue against federal judges, based on claims set forth herein.

CONSTITUTIONAL PROVISIONS AND STATUTES

The judicial Power shall extend to all Cases, in Law and Equity arising under this Constitution... Article III, §2, of United States Constitution.

No person...shall be deprived of life, liberty, or property without due process of the law...Fifth Amendment to Constitution.

Upon approval of the petition, the judge, shall, if the indebtedness of the debtor...is $250,000 or over, appoint one or more trustees...Bankruptcy Act, §156

An attorney appointed to represent a trustee, shall also be a disinterested person...Bankruptcy Act, §157.

(a) At any time after commencement of a case but before confirmation of a plan, on request of a party in interest... the court shall order the appointment of a trustee --

(2) if such appointment is in the interest of creditors, any equity security holders, and other interests of the estate... Title 11 U.S.C.A. §1104 (a)(2)

...the trustee, with the court's approval, may employ one or more attorneys ... Title 11 U.S.C.A. §327.

STATEMENT OF THE CASE

It is appropriate to comment on issuance of mandamus. It is necessary to evaluate bankruptcy judge's conduct to adjudicate constitutional issue with related claim for mandamus. Criticizm of judge aroused hostility of district judge who dispensed with constitutional and recusal issues by erroneously asserting they were not raised below. She confirmed void orders of court below, and absent jurisdiction expunged lis pendens to facilitate immediate sale of real property.

Court of Appeals simply ratified orders of district, absent jurisdiction to affirm void orders below. No other court can provide supervisory mandamus.

Entire proceedings are void for lack of jurisdiction. (1) They were conducted pursuant to unconstitutional statutes. (2) Fraudulent bankruptcy is feigned and non-justiciable, pursuant to Article III.

(3) Judge lacked personal jurisdiction where he agreed to select appointees committed to favor bankrupt. (4) They were an abuse of National Bankruptcy Laws.

Within proceedings, relief ought to be provided, pursuant to FRCP Rule 60(b) from order confirming compromise between trustee and tenant Boebel, for reasons just stated, plus: (1) Court acted in face of case law and statutes. (2) Action by trustee against tenant was fictitious. (3) Mrs. Palmer and I were indispensable parties not joined. (4) It is against public policy to validate forged contract. (5) Confirming order was obtained and protected by (a) usurpation of judicial power and (b) extrinsic fraud by attorneys, including forgery and perjury.

Mandamus should issue on Chief District and Chief Circuit Judges because they did not report crimes of which they were made aware to U.S. Attorney.

This statement describes repeated deprivations of due process by bankruptcy judge and frauds perpretrated upon the court, by which I was deprived of my rights to property securing notes for $56,000 and $30,000.

Alleged bankrupt Ilbert Tucker, as spiritual and business leader of a Subud Enterprise, was engaged in residential construction in Carmel Valley. Subud is a spiritual brotherhood. Subud employees were joint venturers in the enterprise.

As a Professional Engineer, with Ph.D. from Stanford University, I was interested in Tucker's promotion of pole-frame houses, but was ignorant of the law. To induce me to do business with him, Tucker represented that he would act in fiduciary capacity to Mrs. Palmer and me. He has not denied exercising such fiduciary capacity from December, 1974 until June,

1976. In February, 1978, I obtained documents relating to Subud Enterprise.

During proceedings, I completed a home-study program for LL.B. approved by California Bar.

In June, 1976, I learned that $56,000 note, that was to be secured by a $56,000 Tucker-Palmer first trust deed on 137-1 E. Carmel Valley Rd., was actually secured by a fourth trust deed. Tucker had conveyed a $25,000 first trust deed to a confederate, and had made property unmarketable, with uninsurable title, to assure my loss of $56,000.

The $30,000 note, co-signed by Tuckers and Duvalls, Tucker's parents, was secured by two Tucker-Palmer trust deeds for $15K and $8,000 on 10-D Via Contenta, and a Duvall-Palmer $15,000 trust deed on 11 Buena Vista del Rio. The $15,000 trust deeds were recorded in July, 1975, and the $8,000 trust deed was recorded December,

1975. Properties were inspected, 5/26/75, and Via Contenta property was new, for sale, and had never been occupied. Tucker furnished appraisals of both properties for $65,000, and Lot Book Guarantees showing ownership, and first trust deeds of $42,000 and $50,000, respectively. Tucker provided additional security to safeguard my interests. The security agreements fully encumbered the properties.

In June, 1976, Tucker attempted extortion, under threat of getting nothing from a corrupt bankruptcy court. Tucker said that he and his attorney, Dennis Powell, had planned his bankruptcy through bankruptcy court. Among other things, he said that he had the money to make it big -- in the millions. He planned to be back in construction by December, and into something big, really big. He would make millions of dollars.

The notes I held were no good, worth-

less, and trust deeds securing notes were all fouled-up. In April, he had told me, his tenant, Philip Boebel, bought Via Contenta property by oral contract of sale on 1/1/76. Tucker proposed a $15,000 Boebel-Palmer trust deed for $30,000 note. He said that I really had no choice because he had followed his attorney's step-by-step instructions in carrying out each transaction. If I refused, I would get nothing in bankruptcy court.

The $30,000 note, and properties securing it would not even be scheduled as part of his estate. I was incredulous that Tucker had reached a federal judge.

To convince me that I had been defrauded as part of a greater fraudulent bankruptcy, Tucker described a "scam" by which he borrowed at usurious, illegal rates of interest. Individual lenders had "unclean hands" and could not sue for fraud in bankruptcy court, a court of equity. All

his debts would be wiped out. I said that my hands were clean. Tucker warned that if I sued and won, it was arranged that Powell would appeal. I would be tied up in litigation for years. Tucker warned that he had the money to fight me, and he would have a lot to say about how I would treated in bankruptcy court.

On July 8, 1976, attorney Powell required that I acknowledge that Tucker had told me in April, 1976, that he had sold Via Contenta property to Boebel by 1/1/76 oral contract of sale. Powell was going to commit the oral agreement to writing. He would include Boebel-Palmer trust deed in contract of sale in exchange for $30K note. My attorney refused, I had lost $35,000 on $56,000 note. Thereafter, Powell intimidated my attorney and he got off the case. Powell than committed forgery.

On August 1, 1976, Powell fabricated a

contract of sale that memorialized an alleged oral agreement of May 1, 1975, rather than the oral agreement of January 1, 1976. The sale price of $50,000, allowed for a $15,000 Boebel-Palmer trust deed, establishing obligations of purchase in amount of $65,000, the fair market value of the Via Contenta property.

On August 6, 1976, at 12:13 pm, a petition in bankruptcy was filed against Tucker by non-Subud employees. On same date, forged contract of sale was recorded, after petition was filed at 2:12 pm.

Tucker has been represented by Dennis Powell. Co-venturers by Powell's associate, Robert Herendeen, who uttered forged instrument in federal court.

Bankruptcy Judge Abrahams selected appointees committed to carrying out the fraudulent bankruptcy. Trustee, James Dungan, sued Tucker in April, 1971, represented by his long-time attorney, Bryan

MacDonald, who joined in partnership with Herendeen, after bankruptcy. Trustee, bankrupt, and co-venturers had prior dealings and are linked to same attorneys. The appraiser is Dungan's long-time friend and a creditor of the estate. Hoffman & Kelly, San Francisco bankruptcy specialists, located 120 miles from where Tucker did business, were appointed trustee's attorneys.

Trustee participated in a scheme to have me accept Boebel's trust deed. Kelly wrote, in a letter, 3/77, to Herendeen:

> We are aware of the deed of trust executed by Mr. Boebel and his wife in favor of Robert Palmer, and that creates a unique situation.

Attorney Kelly disputed validity of my security agreements and threatened prolonged litigation, unless I employed an attorney, specializing in bankruptcy with whom, he, Kelly could negotiate. Kelly told me to contact David Murray. Murray and his partner, James Grube, stated that

they would represent me to the best of their ability, and assured me they were constrained by attorney's code of ethics. Grube filed complaint for non-discharge of $56,000 note for fraud, but did nothing in regard to $30,000 note.

In March, 1977, I obtained copy of contract of sale and learned it was based on 5/1/75 oral agreement. Grube represented that he had reached a tentative settlement with Kelly, that he could not reveal. He assured me that my trust deeds having been recorded first, had priority over the contract of sale.

In May, 1977, Grube wrote to my bank, describing settlement that provided over $16,000 in recovery to estate. In August, 1977, trustee-Palmer Compromise came on for hearing. It was criticized by Judge Abrahams, because, in essence, the Carmel Valley Road property was being abandoned to one creditor, Palmer, in preference to

another. Grube immediately withdrew the compromise. Grube was aware that I had a commitment from my bank for a loan to buy assignments of senior liens. After hearing Grube advised that trustee no longer had any dispute with me to settle.

I received notice of hearing on trustee-Boebel Compromise, by which Boebel would pay $1,200 for trustee's quit claim deed. Grube advised that I could not object to the compromise, bid for the quit claim deed, interfere with or meddle in the affairs of other parties who were attempting to settle their differences. Only Judge Abrahams could determine the appropriateness of the compromise. Boebel had not appeared at hearing on Palmer Compromise, and Grube instructed me not to attend hearing on Boebel Compromise. He said that he would not attend.

In November, 1977, Attorney Herendeen, demanded reconveyance of trust deeds se-

curing $30,000 note. Murray had a special relationship with Judge Abrahams and refused to move for reconsideration of order confirming Boebel Compromise.

During February, 1978, I copied documents in Kelly's office and learned that trustee had filed fictitious complaint against Boebel to set aside Tucker-Boebel contract of sale as a preference, which it was not. Attorneys Kelly and Herendeen fabricated facts to validate forged instrument, filed false pleadings, and perjurious application for confirming order. Kelly had requested a written memorandum to satify Statute of Frauds, and a Proposal and Contract was provided, from Tucker's records, that was altered on its face. The fictive facts presented no factual dispute, or controversy.

Kelly proposed a $5,000 bribe for Buena Vista property while I was in his office.

Tucker's records show that as of May

31, 1976, capitalization loans totaled $658,906.28, and with some duplication, an incomplete list of usurious loans totaled about $700,000. In the period, November, 1975 through April, 1976, disbursements of $161,882.50 were made to Tucker's parents, the Duvalls, none to Tuckers, but other members of the Subud Enterprise's Executive Board were disbursed $127,553.60. By deposition of Fayra Teeters, a Subud creditor, each member of the five-man Executive Board was conveyed a residence in contemplation of bankruptcy. Kelly by deposition, January, 1977, questioned Mrs. Duvall about Tucker's joint tenancy interest in Buena Vista property. In Kelly's 5/8/80, application for compensation, he falsely states that after estate had been administered for approximately two years he became first became aware of Tucker's interest in property. Appointees aided Tucker in concealment of assets.

In May, 1978, I employed Attorney James Hagan to file motion to vacate confirming order using the evidence, including Boebel's checks starting 8/25/75, payable to Tucker, clearly marked "rent." Boebel put tham in evidence as mortgage payments starting May, 1975. Boebel's fraudulent ownership would be protected by shield of doctrine of res judicata. Motion to vacate was opposed by Kelly based on conversation with me at hearing on Boebel Compromise that Judge Abrahams and his appointees thought would be difficult to refute. If true conversation justified summary dismissal of motion. Hagan prepared affidavit, with proof that I was at Kaiser Hospital on date of hearing. Judge Abrahams publically ignored Kelly's perjury, but intimidated my attorney, Hagan to withhold the evidence.

Hagan advised that he could not introduce any evidence that would embarrass

Kelly, Judge Abrahams' appointee. To make certain that the evidence was withheld, Judge Abrahams limited evidence to forged Proposal and Contract for ruling on whether it was a fraud upon the court. Hagan pointed out that if document was judged a forgery, it proved contract of sale also was forged. If not a forgery, Tucker-Palmer trust deeds were fraudulent. Either way, $30,000 note would be joined for trial with $56,000 note to determine non-dischargeability.

Herendeen procured false affidavits from Tucker and Boebel attesting to the authenticity of Proposal and Contract. Hagan advised Judge Abrahams that he wanted to proceed by way of oral testimony with right of cross-examination. Judge Abrahams bifurcated the hearing to prevent cross-examination.

Judge Abrahams did not do what he stated he would do, make a judgment on the

document. He said, in regard to document:

> If it was a fraud, and I am not saying it was a fraud, it was an unsophisticated fraud, and I am going to ignore it.

The above statement, was not included in partial transcript that I ordered, and other statements made during official proceedings of the court also are not in the record, as described in my affidavit to district court, 7/16/83.

Attorney Hagan, intimidated by Court, falsely advised that he could not appeal.

In August, 1978, Judge Abrahams, demonstrating scienter, invited me to inform him of any frauds that had influenced his decisions. In October, 1978, I filed declaration citing misconduct by attorneys.

Hagan, by motion, objected to sale of trustee's interest in Buena Vista property, until our interest in property had been adjudicated. Hagan would not allow me to bid to acquire trustee's quit claim deed. Attorney Herendeen by letter, pre-

arranged judicial sale. Tucker's tenant in Buena Vista property acquired joint tenancy interest for $1,000.

At trial, February, 1979, to determine non-dischargeability of $56,000 note, Hagan told me that Judge Abrahams did not want to hear about Tucker's fiduciary duty to me. Fraud was found. Not inconsistent with Tucker's June, 1976, claim, Judge Abrahams misconstrued substantive law and set damages at time of transaction. Powell appealed and district set damages when I foreclosed, May, 1978, based on fair market value. Property was unmarketable at foreclosure. Attorney Hagan, asserting his better judgment appealed. Absent merit, district was affirmed.

In 1980, Hagan learned from Powell that Tucker and his brother had built two million dollar housing project. I located a 54-unit project, Quail Ridge in Atascadero that had retail value approaching five

million dollars. Transactions had been executed by Bryan Duvall. Hagan would take no action in bankruptcy court.

In November, 1980, I employed Attorney Robert Jette to file adversary proceeding to revoke Tucker's discharge granted April 1980. Powell claimed Tucker's where abouts was privileged attorney-client information. Tucker was served by publication because he had changed his name and was hiding. At hearing, August, 1981, Judge Abrahams threatened sanctions. Later, Jette said that Judge Abrahams did not want the action in his court. Without advising me, Jette stipulated to dismissal and was released.

In state court, October, 1981, Judge Paik, said that he wanted a settlement, no trial. My attorney, Randy Hess, moved to compel Tucker to testify. Attorney Powell conceded that Tucker was a relevant witness, and he could produce his client.

Motion was denied. After Herendeen made opening statement, he made offer to settle. Judge Paik insisted that I consider overnight. The unconscionable settlement was a division of spoils, and contrary to public policy. Boebel falsely testified, to clear defaults, that he took actual possession of Via Contenta property on May 9, 1975.

On October 8, 1981, I filed declaration describing six acts of fraud upon the court, citing authority that court had a duty to act sua sponte to protect its integrity, pursuant to F.R.C.P. Rule 60(b) 28 U.S.C. Judge Abrahams suggested I file an action, complaint or motion. On August 27, 1981, transcript of 5/20/77, pre-trial hearing was prepared. It reports perjurious statements by Kelly and Herendeen, representing that the contract of sale was recorded "a few days before" petition in bankruptcy was filed. Attorneys repre-

sented there was no factual dispute. Case was submitted to determine validity of the forged contract of sale.

At hearing on motion to vacate confirming order for extrinsic fraud, transcript, petition and contract of sale were put into evidence without objection by Attorneys Powell, Herendeen and Kelly. Court disregarded, rejected, and would not rule on evidence. Judge Abrahams said:

> One has to be a lawyer before becoming a judge and the court will not find fraud upon the court by lawyers.

Attorney Powell requested judicial notice that he was the "smartest lawyer" in area. Comments by judge and attorney have been deleted from the record.

In August, 1982, I moved for leave to amend and supplement pleadings, and pursuant to Bankruptcy Rule 715, such leave "shall be freely given when justice so requires."

Denial of motion to amend complaint

is not required either by virtue of lateness or because amendment is offered following remand from prior appeal. R.E.B. Inc. v Ralston Purina Co. 525 F2d 749 (1975).

A complaint (or motion by analogy) should not be dismissed for failure to state a cliam unless there appears beyond cavil, that plaintiff can prove no set of supportive facts which would entitle him to the relief sought. Nicholson v Bd. of Comm. of Ala. Bar Assoc., 318 F Supp 48 (1972)

My pleadings claim that powers of appointment vested in bankruptcy judge are unconstitutional.

¶61 ...I believe this court has conflicts of interest that it cannot resolve...these prejudices are so strong that the court should no longer preside over this matter. I respectfully request that the court disqualify itself forthwith, POINTS & AUTHORITIES, at 14.

¶7 Defendant Tucker advised that he would influence the proceedings herein. .. My right to due process has been obstructed in this court. DECLARATION at 2.

¶9 ...This court's actions have not been inconsistent with an unwarranted prejudice favoring the bankrupt. DEC 3.

¶11 As a first-time litigant, I find the Bankruptcy Act inconsistent with an individual's right to due process under the Fifth Amendment to the Constitution. The Bankruptcy Court is given the great responsibility of appointing officials who will administrate a bankruptcy es-

state in a fair and just manner, without prejudice. The inconsistency with due process arises because the actions taken by the appointees are, at least, a reflection on the court's ability to select honest and competent appointees, and, at worst, a manifestation of collusion. One therefore must expect some special treatment favoring appointees an an adversary proceeding. The Bankruptcy Court should be relieved, be freed, from the responsibility of making appointments that substantially inhibit the court from treating all parties to an action with equal fairness. DECLARATION at 3.

SECOND SUPPLEMENTAL CLAIM FOR RELIEF

¶46 ...it is clear to me that our constitutional rights have been violated. Tucker by planning his bankruptcy has created a situation where if his cause is advanced mine is set back. Tucker threatened and warned me that he would have a lot to say about how I would be treated in Bankruptcy Court. The course of these proceedings has not been inconsistent with Tucker's statement... Prejudice favoring the bankrupt and his agent, has prevented me from obtaining equal treatment under the law.

¶47 By reason of the facts herein alleged, Plaintiffs have been denied due process pursuant to the provisions of the Fifth Amendment to the U.S. Federal Constitution.

The facts alleged are as follows: (supra.)

Defendant Tucker's answer to my plead-

ings, filed October, 1982, clearly brings into issue the appointment powers of the bankruptcy court, pursuant to FRCP Rule 7(c) 28 U.S.C. Defendant at 2, states:

> The apparent basis for Mr. Palmer's attitude about the Court has to do with the Court's appointment of Attorney William Kelly and trustee James Dungan and an attorney named James Grube, who apparently was recommended to Palmer by Kelly. At page 9 of the Points and Authorities filed Palmer states:
>
> ...The trustee, attorney and appraiser were involved in a scheme to justify a fraudulent conveyance.
>
> Elsewhere Palmer states:
>
> Moreover, my attorneys, Murray & Grube were imposed on me by the attorney appointed by this Court. They connived against me and deprived me of a hearing on my case. Thereafter, this Court executed an order based on a fabricated document.
>
> From that Palmer concluded that this constituted a reflection on the court's ability to select honest and competent appointees, and worse, a manifestation of collusion.

Judge Abrahams did not respond to issues raised by pleadings and denied motion for lateness. I appealed from order in November, and in December, 1982, I appeal-

ed from judgment after remand.

In January, 1983, Powell made veiled threats by phone. He told me that I was taking on a federal judge and asked who I was trying to send to jail. He indicated District Court was fixed, and said I would get no where in District Court. He offered me a $25,000 note from Tucker, in exchange for dropping both appeals. In February, Tucker called to dissuade me from filing appellant's brief, due that day in Judge Lynch's court. Tucker advised that Boebel had fled the State of California. I filed affidavits of conversations with district, and recorded lis pendens against Via Contenta property.

The Constitutional issue, with notice to district clerk, was raised. Defendant's Reply Brief, at 5, states:

> ...Appellant's logic, if carried further, would invalidate the appointment of counsel to represent any indigent defendant inasmuch as one might

reasonably argue that the court would then be inclined to hold the defendant innocent of any charges against him. The argument is without merit.

Appellant's Reply Brief, at 5, states:

...The trustee is...an agent of the court... With the enactment of 28 USC §455, in 1974, the standards for evaluating the impartiality of the bankruptcy court...have made it more difficult for...(a) judge to meet the standards set by the statute.

It interferes with the judicial process to impose an administrative responsibility on the Bankruptcy Court that impugnes the court's impartiality. The solution has been proposed by Commission...(on) Bankruptcy Laws...

Appellant's Reply Brief, at 1, states:

REQUEST FOR JUDICIAL NOTICE

1. Rule 201(d) F.R.E. does not specify the form of the request by a party taking judicial notice. Thus, even a letter to the court may be considered sufficient, 32B Am Jur 2d §39.

Adjudicative facts were categorized (A) Bankruptcy Court Documents, Tucker's records and judicial proceedings (B) Superior Court Documents, partial transcript of Boebel's testimony claiming ownership 5/9/75 and Judgment (C) Recorded Documents and (D) My Business Records:

$30,000 note and trust deeds; record of inspections, Via Contenta property, 5/75; sketch of property from Tucker on inspection, 5/75; Binford-Palmer letter describing property ownership and equity supporting trust deeds, 6/75; Tucker-Palmer letter with appraisals and Lot Book Guarantees, 11/75; Powell-Abramson letter proposing Boebel-Palmer trust deed, 7/76; Kelly-Palmer compromise up to $10,000 to estate, 12/76; Grube letter to bank compromise over $16,000 to estate, 5/77; Herendeen-Grube letter demanding reconveyance of trust deeds, 11/77; photo of sign at law office, showing Herendeen and Powell associated, 4/78; diagram of relationships; Document Examiner's report on altered document, 9/78; Herendeen's letter pre-arranging judicial sale, 11/78, and Hagan-Pribble (Court Reporter) letter regarding deletions from record, 7/79.

In addition, I later submitted certified copies of Notice of Completion, that includes Tucker's claim of exclusive ownership, 5/14/75; Tucker-Palmer trust deeds, recorded 7/75 & 12/75, and Tucker-Boebel contract of sale recorded 8/76.

District Judge Patel threatened assessment of punitive costs if I brought further action. By order denying appeals 10/5/83, Judge Patel erroneously stated:

> There is nothing in the record to show that this [constitutional] issue was raised in the proceedings below, and thus will not be considered by this court on appeal.

Judge Patel denied mandamus, for the same reason, ignoring that 28 U.S.C. §455 is self-enforcing. She cited §144 procedures that apply only to district judges, and do not apply to bankruptcy judges, Ginger v Cohn, CA 6 1958, 255 F2d 99. Judge Patel, with prejudice, ignored my request for mandatory judicial notice and confirmed all orders of bankruptcy

court. She had a self-enforcing duty to recuse.

By Post-Order Declaration, I requested that Judge Patel recuse or reconsider on her own motion, and informed the court that in good faith I paid delinquent taxes of $1,500 to prevent foreclosure action against Via Contenta property by holder of first trust deed.

In January, 1984, Herendeen filed motion to expunge lis pendens. On February 1, 1984, I filed complaint of judicial misconduct against bankruptcy judge. The hearing on motion was cancelled by letter from Attorney Herendeen. Not inconsistent with his knowledge of complaint, Attorney Powell phoned, called me a "jerk" and hung up. I posed interrogatories to show that Boebel had "unclean hands" and was not entitled to relief provided by expungemnt of lis pendens. I asserted district court was absent jurisdiction

to act on motion to expunge lis pendens.

> Bankruptcy court has jurisdiction to determine whether or not the lis pendens should be expunged...under California law and Federal interpretation of the scope of appeal. In re Thatcher, Bnkrptcy, 24 B R 964, 1982.
>
> An action to impose a constructive trust on real property is an action affecting title to or possession of real property. Coppinger v Superior Court, 134 CA3d 883, 185 Cal Rptr 24, 1982.

Prior to March 5, 1984, hearing, Judge Patel's clerk told me that the hearing had been cancelled, with no new date. In her expunging order 3/19/84, Judge Patel stated that I had agreed to forego a hearing. I was tricked out of the opportunity to confront Herendeen by District Judge. She awarded unconscionable attorney's fees and costs of $3,600 for filing practice motion, without appearance. On 4/17/84, I mailed notice of appeal with mandamus action for docketing the following date. On 4/20/84, I personally filed another notice. No

amended order had been docketed. My notice was being held by Judge Patel's clerk. Judge Patel issued amended order expunging lis pendens dated April 20, 1984, she had prevented the docketing of my notice in response to Herendeen's ex parte communication to facilitate sale of property in violation of statute. If my notice had been filed in Court of Appeals a motion would have been required, Smith v Lujan, CA Guam 1979, 588 F2d 1304.

Amended order was recorded April 27, 1984, and property sold in violation of:

> California Code of Civil Procedure, CCP §409.5: No order expunging a notice of pendency of action made pursuant to ...§409.2 shall be effective, nor shall it be recorded...until the time within which a petition for writ of mandate may be filed pursuant to §409.4 has expired.

Herendeen prematurely recorded, and voided expunging order issued by district and is in contempt.

> Contempt: CCP §1209(4): Abuse of process or proceedings of the court, or

> falsely pretending to act under authority of an order or process of the court. One in contempt may not seek any relief from court of whose order such person is in contempt. Robinson v Superior Court, 9 Cal Rptr 130, 186 CA2d 644, 1961.

On appeal, notice that constitutional issue was being raised was provided Clerk of Court of Appeals, and Appellant's Opening Brief was provided U.S. Attorney Joseph Russoniello, who restated decision not to intervene.

At hearing Panel, stated that they had read my briefs, and understood case. I called specific attention to terms of contract of sale that denied possession to vendee. By non-published Memorandum Decisions Panel made no ruling on request for judicial notice, did not examine underlying orders for voidness, ratified orders of district, denied petition for review and rejected suggestion of rehearing en banc.

REASONS FOR GRANTING WRIT

United States Supreme Court granted certiorari where issue was important in administration of bankruptcy laws and was one of first impression in Supreme Court. Reading Co. v Brown, Pa. 88 S Ct 1759, 391 US 471, 20 L Ed 2d 751, 1968.

This case of first impression presents a well-defined conflict between National Bankruptcy Laws and Fifth Amendment, raising substantial due process issue dealing with supervision and administration of federal bankruptcy courts - that statutes empowering bankruptcy judge to appoint trustee in bankruptcy, appraiser and trustee's attorney, are unconstitutional, on their face, and in conflict with due process as promulated by this Court. Marshall v Jerrico, 446 US 238, 100 S Ct 1610, 1980.

The issue has been controverted outside the courts for decades. Professor MacLachlan's Hornbook on Bankruptcy (1956) reports, at 26, that the Bankrupt-

cy Act was amended in 1926 with "charges and some proof of bankruptcy 'rings' where attorneys on good working terms exchanged courtesies and cooperated with one another..." MacLachlan by footnote cites "Donovan Report" that turned charges and opinion into proof. At 226, MacLachlan writes, "Furthermore, the referee's role as advisor to the trustee may make him 'collection-minded,'" a euphemism for judicially favoring trustee. While trustee is no longer compensated on a commission basis, claims for administration expenses are given priority. Trustee and his attorney are motivated to disadvantage secured creditors, because they are compensated from the assets recovered for the estate.

The current vernacular for "collection-minded" is "cramdown" where settlement is imposed by bankruptcy court on creditors against their will. According

to a Robert Morris Associates survey, it is of moderate concern to 35% of bankers and a big one for 21%, Wall Street Journal, 1/31/83, 31:1. The taking of secured creditor property rights through bankruptcy is of substantial national importance and concern. The issue is ripe for adjudication.

The Commission on Bankruptcy Laws of the United States, when proposing Bankruptcy Act of 1973, reported that attorneys specializing in bankruptcy belong to "cliques or rings" and have a vested interest in maintaining statutes that empower bankruptcy judge to appoint trustee and trustee's attorney, and concluded:

> Adversaries of the trustee tend to doubt that the referee who appointed the trustee can insulate himself from at least a suspicion of partiality when he may previously have been involved in ...conferences with the trustee regarding collection of assets of the estate and litigation on its behalf. These considerations have led the Commission to recommend the severing of the admin-

> istrate from judicial functions within the bankruptcy system. Selected Bankruptcy Statutes, ed. David G. Epstein, West, 1974, at 300.

Statutes vesting appointment powers in bankruptcy judge provide opportunities for conspiracies in furtherance of fraudulent bankruptcies, and collusive abuse of National Bankruptcy Laws. These appointment powers are inconsistent with case law.

> Every procedure which would offer a possible temptation to the average man as judge not to hold the balance nice, clear, and true...denies...due process. Re Murchison, 349 US 133, 75 S Ct 623.

Government Invaded Rights Without Justification: The Federal Government violated procedural aspects of Fifth Amendment when, absent substantial evidence and without justification, it invaded my property rights to validate a false claim against bankruptcy estate. Matter of Joyner, 7 B R 596, 1980, sets prerequisites for Fifth Amendment claim.

The Tucker-Boebel contract of sale was forged to steal my rights to Via Contenta property. Boebel claimed actual possession in May, 1975, pursuant to oral terms memorialized by instrument, but he signed it 8/5/76. Boebel committed perjury to assert a claim that the instrument denied him. The contract speaks for itself.

> ¶2 POSSESSION: Vendee shall be entitled to possession of said property upon signing of this security agreement.

> A forged deed is completely void and ineffective to transfer any title to the grantee. Subsequent title derived through a forged instrument is completely unenforceable, even if recorded and held by a bona fide purchaser. Trout v Taylor, 220 C 652, 1934, Cutler v Fitzgibbons, 148 C 562, 1906, Meley v Collins 41 C 663, 1871, Nutzke v Bill Reed Painting Serv. Inc., 151 CA3d 36, 196 Cal Rptr 418, 1984. Miller & Starr California Real Estate, at §14.58.

Co-venturers also were estopped from denying validity of their trust deeds, Blaisdell v Leach, 101 C 405.

No Meaningful Opportunity To Object: Murray & Grube, attorneys specializing in

bankruptcy, had a greater loyalty to a "bankruptcy clique" than to a one-time client. They connived against me to lose.

> Fraud upon the court confers equitable jurisdiction on a court to set aside judgment where unsuccessful party has been prevented from fully exhibiting his case, by fraud or deception practiced on him by his opponent, as by keeping him away from court; a false promise of a compromise, or where defendant never had knowledge of the suit being kept in ignorance by acts of the plaintiff; or where the attorney fraudulently or without authority assumes to represent a party and connives at his defeat; or where the attorney corruptly sells out his client's interests to the other side. Luttrell v U.S., CA 9th 1980, 644 F2d 1274. [Citing U.S.v Throckmorton, 98 US 61, 25 L Ed 93, 1878].
>
> Since attorneys are officers of the court, their conduct, if dishonest would constitute a fraud upon the court for purpose of motion to vacate judgment for fraud. H.K. Porter Co. Inc. v Goodyear Tire & Rubber Co., CA Ohio 1976, 536 F2d 1115.

Lack of Fundamental Fairness: Power of Appointment statutes, permit bankruptcy judge to select trustee, the litigant, who, as the court's agent, will bring ac-

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tions in his court, violating the appearance of justice, denying adversaries of the trustee due process, and creating doubt as to the integrity of the court. In this case, Judge Abrahams has selected appointees, whose actions have not been inconsistent with Tucker's claim of having corrupted the court.

> Courts have recognized that direct proof of fraudulent intent is so peculiarly within the proper control of those sought to be charged with fraud that it is proper, and usually necessary to show the inferences of fraudulent intent from the circumstances surrounding the transaction. U.S. v Bertie, 529 F2d 508, 1976, Fn. Citing Menich v Goldy.

Judge Abrahams did not respond to motion on pleadings that with specificity described deprivations of due process in his court. By letter to Clerk, District Court, he elected not to respond to mandamus action.

> Failure to explain facts and circumstances warrants inference that party's testimony would have been adverse. N. Sims Organ Co. v S.E.C., CA 2 1961, 293

F2d 78.

When Kelly's perjury was proven, Judge Abrahams set a lower standard for honesty and integrity on his appointee and himself than the law allows. He ignored this fraud upon the court. He then intimidated my attorney to withhold evidence, and limited evidence to one document for judgment. He bifurcated hearing to prevent cross-examination, denied judgment on document in evidence, and intimdated my attorney to prevent appellate review.

> A judge's private, prior agreement to decide in favor of one party is not a "judicail act" because judicial impartiality is an expectation of the aggrieved party. Thus, a judge could be liable upon proof of such agreement, even if absolutely immune for subsequent judicial acts. Further, to lose absolute judicial immunity, the judge must know he lacks personal jurisdiction, or "act in the face of clearly valid statutes, or case law expressly depriving him of jurisdiction." Rankin v Howard, CA 9th 1980, 633 F2d 844.

Judge Abrahams confirmed trustee-

Boebel Compromise acting in the face of clearly valid case law, In re Truscott Boat & Dock, DC Mich 1959, 92 F Supp 430, where referee confirmed compromise between trustee and lienholder, and lien was invalid against trustee and other creditors. Compromise was confirmed after the facts were in. At that stage, there was no controversy to compromise, and lien was obviously invalid.

Judge Abrahams acted in the face of clearly valid statutes, the Act §70(a) Zestee Foods v Philips Foods Corp., CA 10th 1976, 536 F2d 334, where instrument recorded after petition is filed is void against trustee and creditors; and §70(e)(1) where instrument is void under fraudulent conveyance statutes. If Judge Abrahams accepted instrument as a preference, it was void pursuant to §60a(6) of Act. Congress specifically disapproves equitable liens perfected, under Californ-

ia law recorded, within prefernce period.

Proceedings were also void under FRCP Rule 60(b)(6) because Judge Abrahams usurped his power imposing extreme hardship and injustice on Mrs. Palmer and me.

Mandamus, with civil liability, should issue against Judge Abrahams.

Article III Jurisdictional Issue: A feigned or collusive action is not justiciable. Plaintiff, trustee in bankruptcy, had no standing to sue, because he has no different standing than the fraudulent bankrupt, Case, Controversy or Actual Controversy, 40 L Ed2d 783, §5, Standing to sue. Bankrupt is a fraud, trustee is a fraud, trustee's principal is a fraud. Proceedings were coram non judice.

Public Policy: It is against public policy to let stand proceedings that abuse National Bankruptcy Law, and 18 USC §152.

Attorney's Fees: Unconscionable attorney's fees and costs have been imposed on me by judgment after remand in bankruptcy court, and by expunging order in district court, as punitive measures to dissuade me from accessing the courts. These assessments should be vacated.

Tucker and Boebel as fraudulent vendor and vendee have "unclean hands" and are in contempt. Justice requires that they be denied equitable relief. Moreover, Boebel signed promissory note for legal fees to Carnazzo, Herendeen & Bryan and secured open note by conveying a deed of trust against Via Contenta property, 11/77. Payment of legal fees was tied to successful stealing of my property rights through a collusive action by trustee and tenant Boebel, against my unrepresented third party interests.

> ...plaintiff and defendant have the same interest, and that interest adverse and in conflict with the interest

of third persons, whose rights would be seriously affected if the question of law was decided in the manner that both parties to the suit desire...

The whole proceeding was in contempt of the court, and highly reprensible. Lord v Veasie, 49 US 251, 121 L Ed 1067, 1850.

Tucker claimed that he reached Bankruptcy Judge. Attorney Powell intimated that District Court was fixed and I would get no where in district.

The attorney who attempts by personal influence to control a judge or jury in their decision in a pending case, or who merely holds himself out as able to do so, whether or not he actually makes the attempt, in short, an apostate lawyer, who is false to the lawyer's creed that justice shall be undefiled, is ejected from the courts, and as a lawyer ceases to exist...

The client who with evil intent employs such an agent fares no better... To him also the doors of the courts are closed. From the moment that he cease to depend upon the justice of his case and seeks discriminatory and favored treatment, he becomes a corruptor of the Government itself... Root Refining v Universal Oil, 169 F2d 514.

Fifth Amendment forbids the federal government and its agants through which it acts-courts...and other officers - to use...psychological pressure, threats of fines...or other government-

al pressure to force a person to testify against himself. Irwine v People of the State of California, 347 US 128, 98 LEd 561, 74 S Ct 381, 1953.

By analogy, no citizen should be pressured to give up his right of access to the courts, under threat of sanctions or punitive attorney's fees and costs, when his adversaries case is totally lacking in merit. Attorney Powell offered a $25,000 note in exchange for dropping appeals demonstrating that my case was neither frivolous nor vexacitious.

Judicial Notice: A court takes notice of its own proceedings. My request for judicial notice calls attention to parts of the record. Refusing to acknowledge my request does not prevent admittance of what is already in the record. When a court ignores its own record, based on extrinsic factors, it disqualifies itself by demonstrating prejudice.

Findings by trial judge (and by

analogy, any judge) unsupported by the record are evidence that judge has relied on extra judicial sources in making such determinations indicating bias and prejudice. Blizard v Fielding, DC Mass 1976, 454 F Supp 318, af 601 F2d 1217.

This section 28 USC §455, requiring a judge to disqualify himself where his impartiality might reasonably be questioned is self-enforcing and does not require action by the parties. State of Idaho v Freeman, DC Idaho 1981, 507 F Supp 706.

I directed attention to Boebel's checks, payable to Tucker, marked "rent" that were put into evidence by Boebel as mortgage payments. By his own hand, Boebel wrote "rent", and only a tenant pays rent. Bankrupt's notes, part of judicial record, show Boebel entered into rental agreement in August, 1975. There is only false evidence supporting Boebel's claim of ownership. District's ruling that Judge Abrahams' orders are "not clearly erroneous" is in conflict with case law.

The "clearly erroneous" concept em-

> bodied in FRCP as standard to be applied in determining whether to accept findings of master or trial judge requires, for acceptance that evidence be "substantial evidence" but it does not stop there, and findings must be set aside if court is left with the impression that the result is not the truth and right of the case, and in this sense, at least the terms are not synonymous. WRR Corp v Greer, CA Tex, 313 F2d 750, 753.

It is appropriate that judicial notice be taken of that part of the record, and other adjudicative facts related to federal questions, pursuant to case law affirming that invalidity of a statute may be shown by things which will be judicially noticed or by facts established by evidence, Weaver v Palmer Bros, 270 US 402, 46 S Ct 320, 70 LEd 654.

Void Orders: District's orders and Court of Appeals Memorandum Decisions are void, because underlying orders of Bankruptcy Court are, void.

> An appellate court is without authority to confirm a void judgment, because trial court was without authority to render it. Irwin v City of Manhat-

tan Beach, 227 CA2d 634, 38 Cal Rptr 875, 1964.

A court has the inherent power to inquire into integrity of its own judgments and to set tham aside when fraud or corruption of its officers has been shown. Chicago Title & Trust Co. v Fox Theatres Corp., DC NY 1960, 182 F Supp 18.

If judgment is void, it is necessary to evaluate validity of underlying judgment in reviewing order denying motion for relief from judgment, and if the underlying order is void, order based on it is void; if voidness is found, relief is not discretionary matter but is mandatory. FRCP, Rule 60(a)(b)(4) 28 USC. V.T.A. Inc. v Airco, Inc., 597 F2d 220, 1979.

Mandamus, District Court: Judge Patel was made aware of conspiracy to carry out Tucker's fraudulent bankruptcy. At hearing on appeal, I accused Attorney Powell of committing forgery. He did not defend himself. Judge Patel asked if the case was submitted. For some reason, she protected Powell. She protected conspirators from suffering the consequences of their wrongful acts.

"Accesory after the fact" is one who

with knowledge of another's commission of a felony, receives, relieves, comforts, or assists felon in order to hinder latter's apprehension, trial or punishment. Shelly v U.S., CA 10 1935, 76 F2d 483.

Acts of principal and accessory after the fact to substantive offense are one continuous criminal transaction and constitutes single offense committed by them jointly. Id.

Judge Patel was hostile, denied review of constitutional and mandamus issues, obstructed justice, joined in conspiracy, confirmed void orders, prevented prompt entry of my notice of appeal, in response to ex parte communication, she arbitrarily expunged lis pendens, recorded for proper purpose, absent jurisdiction. Mandamus should issue, with civil liability.

Mandamus, Court of Appeals: Panel ratified orders of district, without examining underlying orders for voidness, where voidness was claimed. Panel knowingful accepted district's prejudiced, misconstruance of facts and law, and con-

doned fraudulent taking of my property rights. Panel refused to carry out its judicial functions, denying me impartial appellate review, and concealed its actions by non-publication.

> An abnegation by the judge of his judicial function, although no actual fraud was perpretrated may well be a "legal" fraud by him upon the judicial institution. Ensumge v Powers, 2 S Ct 643, 27 L Ed 732.

Mandamus should issue against members of Panel. Indeed, where a Three-Judge Panel responds to extrinsic factors, conspires to act in furtherance of an ongoing conspiracy in abuse of National Bankruptcy Laws, their conduct may rise to a violation of 18 USC §241.

Manadamus Chief Judges: Chief District Judge Peckham appointed Judge Abrahams. It is not inconsistent with the appointment of San Francisco law firm that Judge Abrahams acted at the behest of Judge Peckham. Judge Peckham, acting

for Assignment Committee, assigned a hostile Judge Patel to review my appeals.

U.S. Attorney did not enter case to represent Judge Abrahams on mandamus, or to investigate accusations of extrinsic fraud, including forgeries and perjuries by attorneys in abuse of National Bankruptcy Laws. In his dissertation to Yale University, James Eisenstein, Counsel For The United States, 1968, descibes relationship between U.S. Attorney's office and District Courts, based, in part, on interviews with government attorneys and judges, at III-60, he reports:

> The judges go beyond themselves in overseeing the office. They don't say we shouldn't bring certain categories of cases anymore. But they are concerned with whether specific cases should be prosecuted. The Chief Judge will be in the U.S. Attorney's office all the time. They'll talk about the status of different cases and the different investigations pending. That's where [the Chief Judge] plays quite an important role. The judges feel like we are working for them to some extent. And we are, but this can go to far.

Judge Peckham, having been an attorney with Department of Justice, prior to appointment to District Court, would have an added advantage in persuading action or non-action in a particular case, where his appointee, Judge Abrahams'was involved. Such action, if taken on behalf of Judge Abrahams, would also protect co-conspirator attorneys.

Supervisory mandamus is appropriate action against Chief Judge Browning for dismissing complaint of judicial misconduct against Judge Abrahams and for other reasons. Where the complaint deals with same matters reported herein, it is not prejudicial to Judge Abrahams to raise the issue.

> Where there was little confidentiality to protect non-compliance with the rule prohibiting use of name in caption of complaint did not offend fundamental fairness as to void proceedings for removal from office, In re Gillard, 27 NW2d 785.

The intent of the state in protect-

> ing the reputation of judges or its interest in maintaining the institutional integrity of its courts is not sufficient to justify the subsequent punishment of speech exercised by strangers to the disciplinary inquiry who divulge or publish truthful information which the state seeks to hold confidential. Landmark Comm. Inc. v Virginia, Va., 98 S Ct 1535, 435 US 829, 56 LEd2d 1.

My complaint was served on Judges Abrahams, Peckham and Browning. Chief Judge Browning dismissed the complaint. I filed Petition for Review, and Amended Complaint requesting that Judge Browning correct error in his order, at p. 1:

> ...The bankruptcy was filed on August 6, 1976. Two years before that, the complainant claims to have been told by the bankrupt that the latter had 'planned his bankruptcy, with his attorney, through the bankruptcy court.'

Tucker told me about planning his bankruptcy in June, 1976, two months before his bankruptcy. Judge Browning reconsidered, and let his order stand without correction, making this serious complaint, appear meritless.

Mandamus should issue against Chief Judges whose responsibilities include supervision of the courts, to cause them to conform their conduct to Code of Judicial Conduct and federal law.

> An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should himself observe high standards of conduct so that the integrity and independence of the judiciary may be preserved. Canon 1.
>
> A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware. Canon 3B(3).

Each of the seven federal judges involved in this case, has made a conscious decision to act in support of an ongoing conspiracy in abuse of National Bankruptcy Laws, and each should bear the consequences of his action in accordance with appropriate measures initiated by this Supreme Court. Not one of them has reported frauds perpretrated upon the court by attorneys involving crimes of moral

turpitude, forgery and perjury, to U.S. Attorney. The U.S. Attorney has discretion as to what cases he will investigate and pursue, and he is not interested in this civil litigant's complaint. His exercise of no action, has been supported by Assistant Attorney General, Criminal Division of Department of Justice, 1/29/85 [RWO:MV:dgs, 39-11-0].

> It would clearly tend to undermine confidence in judicial system if judges were viewed as being held to lower standards of propriety than lawyers. Hampton v Harrahan, DC Ill 1980, 499 F Supp 640.

Yet, for some reason, complacency, cronyism, or worse judges have acted to obstruct justice, to aid and abet an ongoing conspiracy. Judges who hold themselves out to the public as adhering to higher ethical standards than the general public, should be held to those standards.

> When a judge on the bench, by his own conduct arouses a substantial doubt as to his judicial integrity, he commits the highest crime that a judge can commit under the Constitution. It is not

> essential to prove guilt... When there is reasonable doubt as to his integrity he has no right to stay longed. He has forfeited his right. Trial of Impeachment of Halstead L. Ritter, 74th Congress, 2d, In the Senate, 4/14/36, 611.

This case is a horrendous case of injustice arising from abuse of an unconstitutional statute, and lack of supervision in the courts below. In his order dismissing my complaint, Judge Browning at 3, states:

> The errors alleged by the complainant, however, are no different from those that might be cited in any similar bankruptcy proceeding. Their nature and extent are not such as to justify an inference of judicial misconduct.

If this case is typical, then forgery and perjury are taking their toll on the American public through the administration of bankruptcies. In this case alone, the U.S. government, without justification, invaded the property rights of some 50 or more creditors.

For nine years, Mrs. Palmer and I have suffered great hardship from this criminally contrived litigation. While I am motivated by self-interests to seek justice, my fellow citizens are in the forefront of my concerns. No other citizen should suffer a similar experience in this dark corner of the federal judiciary.

With each new action, we renew our trust in the federal judiciary. This Supreme Court, last refuge for restoration of individual rights, should review and adjudicate this case on writ of certiorari, and mandamus should issue as requested.

Respectfully submitted,

Robert Palmer

Robert Palmer
In pro per.

March 12, 1985.